

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

KALEIL ISAZA TUZMAN, and OMAR
AMANAT,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/18/18

ORDER

S8 15 Cr. 536 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

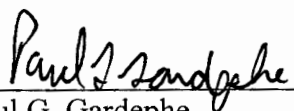
Defendant Omar Amanat has moved for judgment of acquittal arguing, *inter alia*, that the Government has “failed to identify any interstate wire contemplated or sent in furtherance” of Counts One (Conspiracy to Commit Wire Fraud, 18 U.S.C. § 1349) and Two (Wire Fraud, 18 U.S.C. § 1343, 18 U.S.C. § 2). (*See* Def. Br. (Dkt. No.735) at 19-20) Amanat contends that the evidence in support of these counts is insufficient, because the Government has provided “no location information in the record about any potentially relevant wire that would allow a juror to reasonably conclude, without pure speculation, that the wire in question was in fact an interstate wire sent in furtherance of the charged schemes.” (*Id.* at 20)

The Court requires supplemental briefing concerning this issue. The Government will submit a letter brief by December 24, 2018 citing evidence from the record demonstrating that the interstate wire element is satisfied, and providing legal authority supporting that assertion. To the extent that the Government contends this element is satisfied by circumstantial evidence in the record, the Government will submit relevant citations to the record as well as case citations demonstrating that such evidence is sufficient to satisfy the interstate nexus

element of 18 U.S.C. §§ 1343 and 1349. Defendants may submit a responsive letter by December 31, 2018.

Dated: New York, New York
December 17, 2018

SO ORDERED.



Paul G. Gardephe
United States District Judge